

**REMARKS/ARGUMENTS**

Upon entry of the present paper, claims 13-26 will remain pending in the application for consideration by the Examiner. Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided. Applicant also notes with appreciation Examiner's acknowledgment of Applicant's Supplemental Information Disclosure Statement filed in the present application on October 12, 2005 by the return of the initialed and signed PTO-1449 Form, and for consideration of the documents cited in Information Disclosure Statement.

Turning to the merits of the action, the Examiner has rejected claims 13-18 and 20-25 under 35 U.S.C. § 103(a) as being anticipated by HAYASHI (U.S. Patent No. 6,862,114) in view of (commonly-assigned to Applicant's Assignee of record) SAITO (U.S. Patent No. 6,128,101). The Examiner also has rejected claims 19 and 26 under 35 U.S.C. § 103 (a) as being unpatentable over HAYASHI in view of SAITO and YOSHIDA et al. (U.S. Patent No. 5,031,179).. Applicant respectfully traverses the above rejection based on pending claims 13-26 and will discuss said rejection with respect to the pending claims in the present application as will be set forth hereinbelow.

Applicants' claims 13-19 generally relate to a receiving Internet facsimile apparatus connectable to a mail sever via a network. The receiving Internet

facsimile apparatus includes a communicator that receives, from the mail server via the network, an e-mail to which a plurality of pages of image data are attached, and a memory that stores the plurality of pages of the image data attached to the received e-mail. The receiving Internet facsimile apparatus further has a controller that determines whether the memory overflows during the reception of the e-mail, to stop receiving the e-mail when it is determined that the memory overflows. The controller also stores, in the memory, a predetermined page of the image data attached to the e-mail, when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. The predetermined page of the image data does not include one of the plurality of the image data previously received from the mail server. Claims 20-26 generally recite related methods.

In contrast, HAYASHI relates to an image data transmitting apparatus which stops both a reading operation and transmission operation of image data when transmission trouble is detected, and resumes both the reading operation and the transmission operation after the documents are reset (see, e.g., col.13, lines 45-65).

However, Applicant respectfully submits HAYASHI merely teaches that a reception-side apparatus 1) receives, as an NSS signal, a value of the previous number of transmitted sheets, 2) stores all retransmission image data, and 3) deletes image data stored in the previous transmission (see, e.g., col.16, lines 60-65).

Thus, HAYASHI does not disclose the claimed receiving Internet facsimile apparatus which determines whether the memory overflows during the reception of the e-mail and stops receiving the e-mail when it is determined that the memory overflows. Rather, HAYASHI merely discloses a reception-side apparatus which receives, as an NSS signal, a value of the previous number of transmitted sheets, stores all retransmission image data, and deletes image data stored in the previous transmission. (see, e.g., col.16, lines 59-67).

Further, HAYASHI et al. do not disclose the claimed receiving Internet facsimile apparatus which stores, in the memory, a predetermined page of the image data attached to the e-mail, when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. Rather, HAYASHI et al. merely disclose a reception-side apparatus which stores all retransmission image data (see, e.g., col.16, lines 62-63).

Further and as asserted in Applicant's Amendment and Response filed on October 14, 2005 (the arguments being expressly incorporated herein), Applicant respectfully notes that in HAYASHI (as further described infra), all of the retransmission image data is stored, and HAYASHI has no way to prevent the storage of all such retransmission image data, which unnecessarily consumes memory space (See, e.g., col. 16, lines 59-67). Rather, the present invention does not store all retransmission image data. For example, the present invention stores, in the memory, a predetermined page of the image data attached to the

e-mail, when the e-mail is re-received from the mail server after the stop of receiving the e-mail. The predetermined page of the image data is not stored in the memory when the e-mail was previously received from the mail server, and the predetermined page of the image data does not include one of the plurality of pages of the image data previously received from the mail server, thereby avoiding the unnecessary consumption of memory space.

In this regard, the Examiner admitted in the outstanding Official Action mailed on November 30, 2005 that HAYASHI does not disclose "the predetermined page of the image data not including one of the plurality of pages of the image data being previously received from the mail server." Thus, the pending claims are clearly distinguished over HAYASHI.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-18 and 20-25 are not disclosed in HAYASHI cited by the Examiner.

In setting forth the rejection, the Examiner relies upon (commonly-assigned) SAITO to supply the shortcomings of HAYASHI. SAITO relates to an e-mail type facsimile apparatus which leaves unacceptable mail in a mail server and stores the left mail number and message ID of the latest mail as left mail number K and left mail ID. In the next access, the mail type facsimile apparatus acquires the message ID of the Kth mail stored in the mail server compares it with the left mail ID. When both matches, the e-mail type facsimile apparatus receives the "K+1"th and subsequent pieces of mail from the mail server.

However, SAITO does not disclose the claimed receiving Internet facsimile apparatus which determines whether the memory overflows during the reception of the e-mail and stops receiving the e-mail when it is determined that the memory overflows. Rather, SAITO determines whether the Mth mail is acceptable and leaves unacceptable mail in the mail server when it is determined that the Mth mail is unacceptable (see, e.g., col.5, lines 12-25, and col.6, lines 29-67 and col. 7, lines 1-15).

SAITO also does not disclose the claimed receiving Internet facsimile apparatus which stores, in the memory, a predetermined page of the image data attached to the e-mail, when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. Rather, SAITO compares the message ID of the Kth mail stored in the mail server with the left mail ID, and receives the "K+1"th and subsequent pieces of mail from the mail server when both matches. In other words, SAITO merely receives a next acceptable e-mail and subsequent acceptable e-mails from the mail server, in the next access, as shown in Fig.8 (see, e.g., col.6, lines 29-67 and col. 7, lines 1-15). Thus, SAITO does not disclose storing, in the memory, a predetermined page of the image data attached to the e-mail, when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server.

Further, SAITO does not teach that the predetermined page of the image data does not include one of the plurality of pages of the image data previously received from the mail server. Rather, SAITO receives a next acceptable e-mail and subsequent acceptable e-mails from the mail server, in the next access, as shown in Fig.8 (see, e.g., col.6, lines 29-67 and col. 7, lines 1-15). Thus, SAITO does not disclose storing, in the memory, a predetermined page of the image data attached to the e-mail, when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not including one of the plurality of pages of the image data previously received from the mail server. Thus, the pending claims are also clearly distinguished over SAITO.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-18 and 20-25 are not disclosed in SAITO cited by the Examiner. The pending claims are also submitted to be patentable over the Examiner's proposed combination, since neither HAYASHI nor SAITO, either taken alone or in any proper combination discloses the features recited in Applicants' claims 13-18 and 20-25.

Furthermore, the Examiner has not set forth a proper motivation for combining HAYASHI and SAITO. In HAYASHI, all of the retransmission image data is stored, as discussed above. In other words, HAYASHI does not have any suggestion for receiving a part of the retransmission image data. On the other hand, SAITO compares the message ID of the Kth mail stored in the mail server with the left mail ID, and receives the "K+1"th and subsequent pieces of mail

from the mail server when both matches. In other words, SAITO merely receives, from the mail server, an acceptable next mail and subsequent acceptable mails stored in the mail server.

Nevertheless, with respect to the Examiner's rejection of the dependent claims 19 and 26 based on HAYASHI in view of SAITO and YOSHIDA et al., Applicant submits that dependent claims 19 and 26 are respectively dependent from allowable independent claims 13 and 20, which are allowable for at least the reasons discussed supra. Thus, these dependent claims are also allowable for at least the reasons discussed supra. Further, all dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application, in due course.

**SUMMARY AND CONCLUSION**

Applicant has re-submitted the pending claims for consideration by the Examiner. With respect to the pending claims, Applicant has pointed out the features thereof and have contrasted the features of the rejected claims with the disclosure of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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